

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
W/S Foxley Road at S/S of Fallsbrook Road
(2320 Foxley Road)
8th Election District
4th Councilmanic District
Jeffrey A. Fischer, et ux
Petitioners
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-243-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The petitioners herein request a variance from Section 208.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 30 feet and a side street centerline setback of 40 feet in lieu of the required 55 feet, and from Section 208.4 of the B.C.Z.R. to permit a rear yard setback of 23 feet in lieu of the required 30 feet for a proposed dwelling addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of January, 1992 that the Petition for Residential Variance from Section 208.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 30 feet and a side street centerline setback of 40 feet in lieu of the required 55 feet, and from Section 208.4 of the B.C.Z.R. to permit a rear yard setback of 23 feet in lieu of the required 30 feet for a proposed dwelling addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order. In the event it becomes necessary to do so as a result of a complaint.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Council
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 16, 1992

Mr. & Mrs. Jeffrey A. Fischer
2320 Foxley Road
Timonium, Maryland 21093

RE: PETITION FOR RESIDENTIAL VARIANCE
W/S Foxley Road at S/S Fallsbrook Road
(2320 Foxley Road)
8th Election District - 4th Councilmanic District
Jeffrey A. Fischer, et ux - Petitioners
Case No. 92-243-A

Dear Mr. & Mrs. Fischer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 208.3 (1955 regulations) to permit a side yard setback and side street center line setback of 15' and 40' respectively in lieu of the required 30' and 55'. And from Section 208.4 (1955 regulations) to permit a rear yard setback of 23' in lieu of the required 30'. All for a proposed dwelling addition.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (Indicate hardship or practical difficulty)

A room to provide for the growing needs of my family cannot be constructed of adequate size (18x28) without a residential zoning variance. Half of the proposed addition will sit as required zoning code. Current economic conditions are conclusive to zoning code. A project property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners

(Type or Print Name)

Signature

Address

Attorney's telephone number

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of DEC., 1991, that the subject matter of this petition be posted on the property on or before the 29th day of DEC., 1991.

Jeffrey A. Fischer
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, this 10th day of DEC., 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING

Date

By

REVIEWED BY: DATE:



ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Timonium, Md. 21093

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

A room to provide for the growing needs of my family cannot be constructed of adequate size (18x28) without a Residential Zoning Variance. Half of the proposed addition will sit as required by zoning code. Current economic conditions are conclusive to zoning code. A project property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Affiant(s) (Handwritten Signature)

Affiant(s) (Printed Name)

Affiant(s) (Handwritten Signature)

Affiant(s) (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of December, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jeffrey A. Fischer and Pamela D. Kawahara-Fischer

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE

NOTARY PUBLIC

My Commission Expires:

April 1, 1994

ZONING
DESCRIPTION

BEGINNING AT A POINT ON THE SOUTH SIDE OF FALLSBROOK RD.
50' WIDE WITH THE INTERSECTION OF THE WEST SIDE OF FOXLEY RD
50' WIDE. IN THE SUBDIVISION OF SPRING LAKE, PLAT # 2.
SECTION 1 BEING LOT # 1 BLOCK G. ALSO KNOWN AS
2320 FOXLEY RD. IN THE 8TH ELECTION DISTRICT.
.257E AC.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 12/21/91
Posted for: Jeffrey A. Fischer & Pamela D. Kawahara-Fischer
Petitioner: Jeffrey A. Fischer & Pamela D. Kawahara-Fischer
Location of property: 2320 Foxley Rd. at intersection with S/S
Fallsbrook Rd. - 2320 Foxley Rd.
Location of Sign: Intersection of Foxley & Fallsbrook Rd.
at corner of 2320 Foxley Rd. & S/S Fallsbrook Rd.
Remarks: See zoning code & zoning map of Baltimore
Posted by: Jeffrey A. Fischer Date of return: 1/3/92
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001-4180
Number

FOUR THIRTY-THREE

FOUR THIRTY-THREE

FOUR THIRTY-THREE

FOUR THIRTY-THREE

FOUR THIRTY-THREE

Cashier Validation

914048072NCHRC
DA 012570PM12-10-91
Please Make Checks Payable To: Baltimore County

\$60.00

Jeffrey Fischer and Pamela Kawehra-Fischer
2320 Foxley Road
Towson, Maryland 21204

Re: CASE NUMBER: 92-243-A
LOCATION: W/S Foxley Road at intersection with S/S of Fallbrook Road
2320 Foxley Road
4th Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) The property will be posted on or before December 29, 1991. The closing date is January 13, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioners. At that time, an order will be issued. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

Enclosed is a copy of a letter from one of my constituents, Jeffrey A. Fischer, requesting my assistance in securing a date in the near future for his residential setback variance hearing.

My aide, Lisa Keir, spoke with Patti Tanczyn, President of the Springlake Community Association, and has confirmed that the Association is not opposed to the granting of the variance.

As this is the case, I would appreciate your scheduling as quickly as possible a hearing for Mr. Johnson.

Thank you.

DJR:akd

Enclosure
cc: Mr. Jeffrey A. Fischer

JABLON.2/TXTARD

Mr. Arnold Jablon
Zoning Administrator
111 West Chesapeake Ave.
Towson, Maryland
21204

RECEIVED
DEC 31 1991

ZONING OFFICE

Dear Mr. Jablon

I am writing to you in reference to case number 92-243-A which concerns plans for an addition to my residence. When I applied for a building permit I was informed that a variance would be necessary. Having already received approval to build from the Springlake Community Association I accept the situation yet would ask for relief from the rather lengthy process.

There are three factors that I believe will support my request. First, our community association is very active and cautious when considering proposed home improvements. I have asked permission to build a two room addition to my single family residence at 2320 Foxley Rd. The association has approved my request. They are aware that a setback variance is required and will not object to the county granting relief. Second, because of the current economic conditions I have been most fortunate in finding contractors who are willing to complete the proposed work at well below market price. As I am sure you are well aware, local builders are struggling to find work which greatly improves my position as a prospective customer. Although this job is not a million dollar project it will generate approximately fifty thousand dollars of economic activity within our county. The increased cost due to the 4 to 6 week delay may force me to cancel this project. Third, even though this reason is very personal I feel that it is necessary to share with you. We had hoped to be able to provide long term care for our wheel chair bound parent with the completion of the proposed addition. An extended delay will force us to consider alternative care arrangements that are less than ideal.

If there is any way possible, please give serious consideration to my request to expedite the variance process. I know that the zoning law was established to protect the citizens of our county however, I do not believe

December 27, 1991

Councilman Doug Riley
Council Chambers, 2nd floor
Old Court House
Towson, Maryland
21204

Dear Councilman Riley,

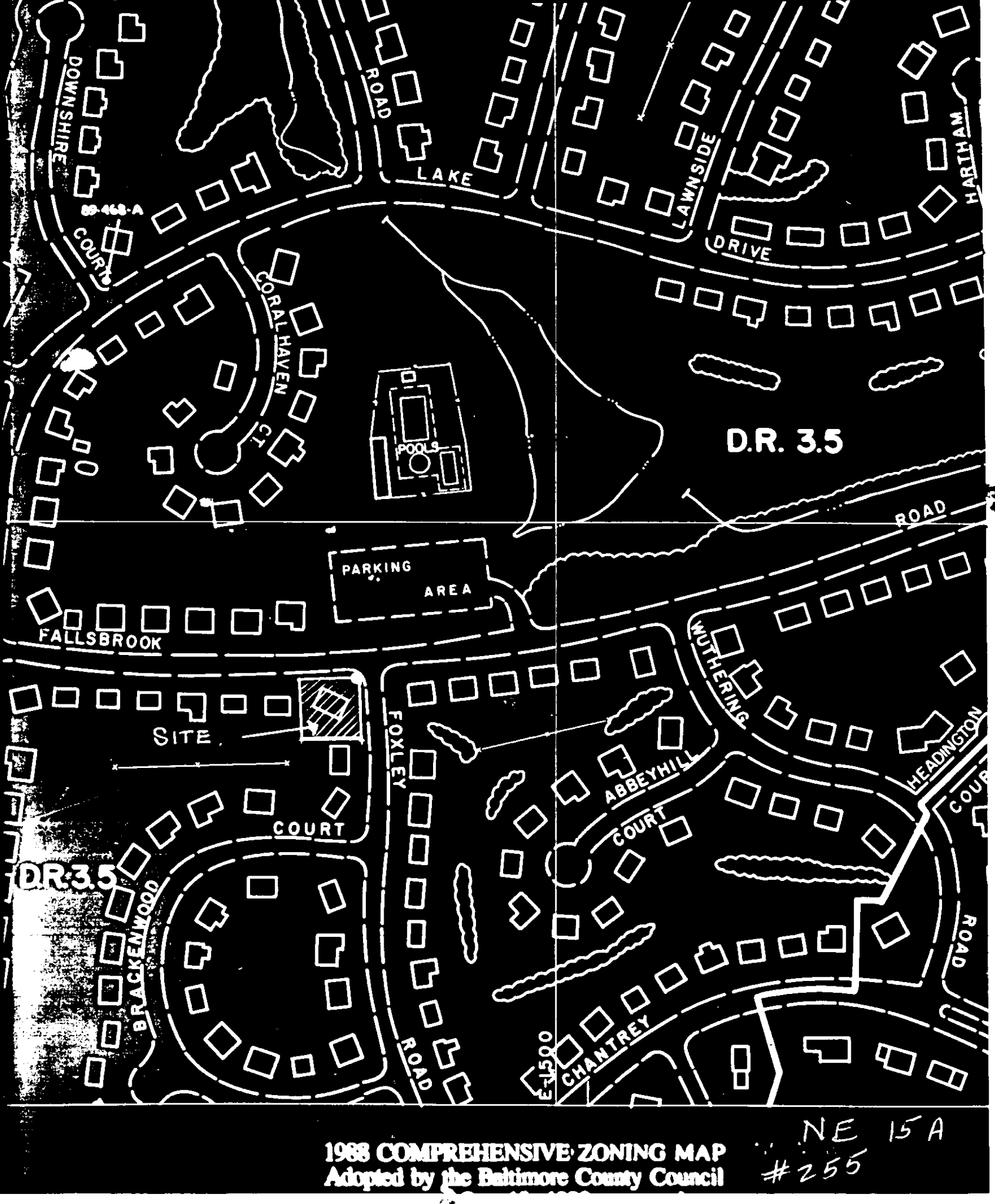
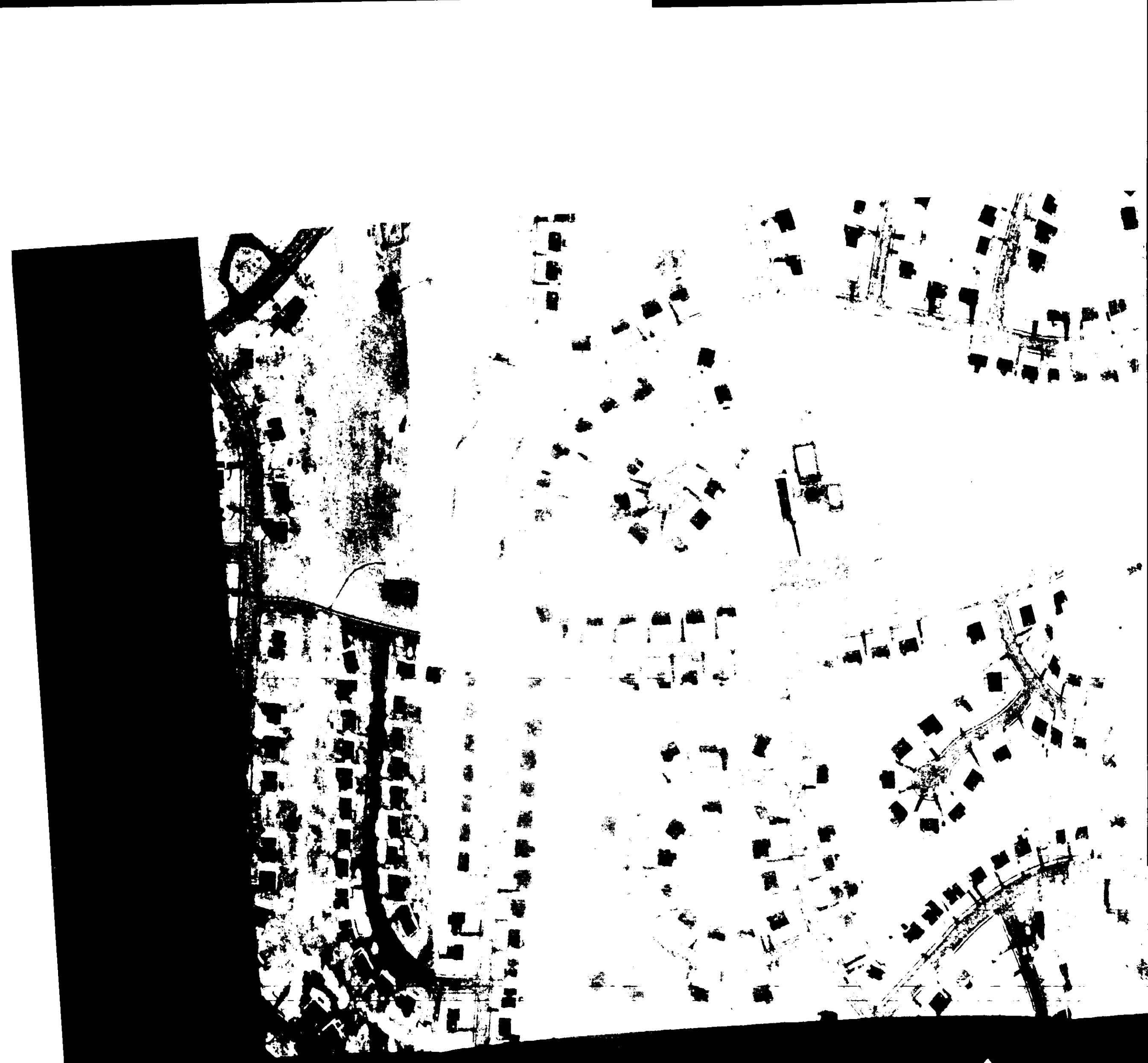
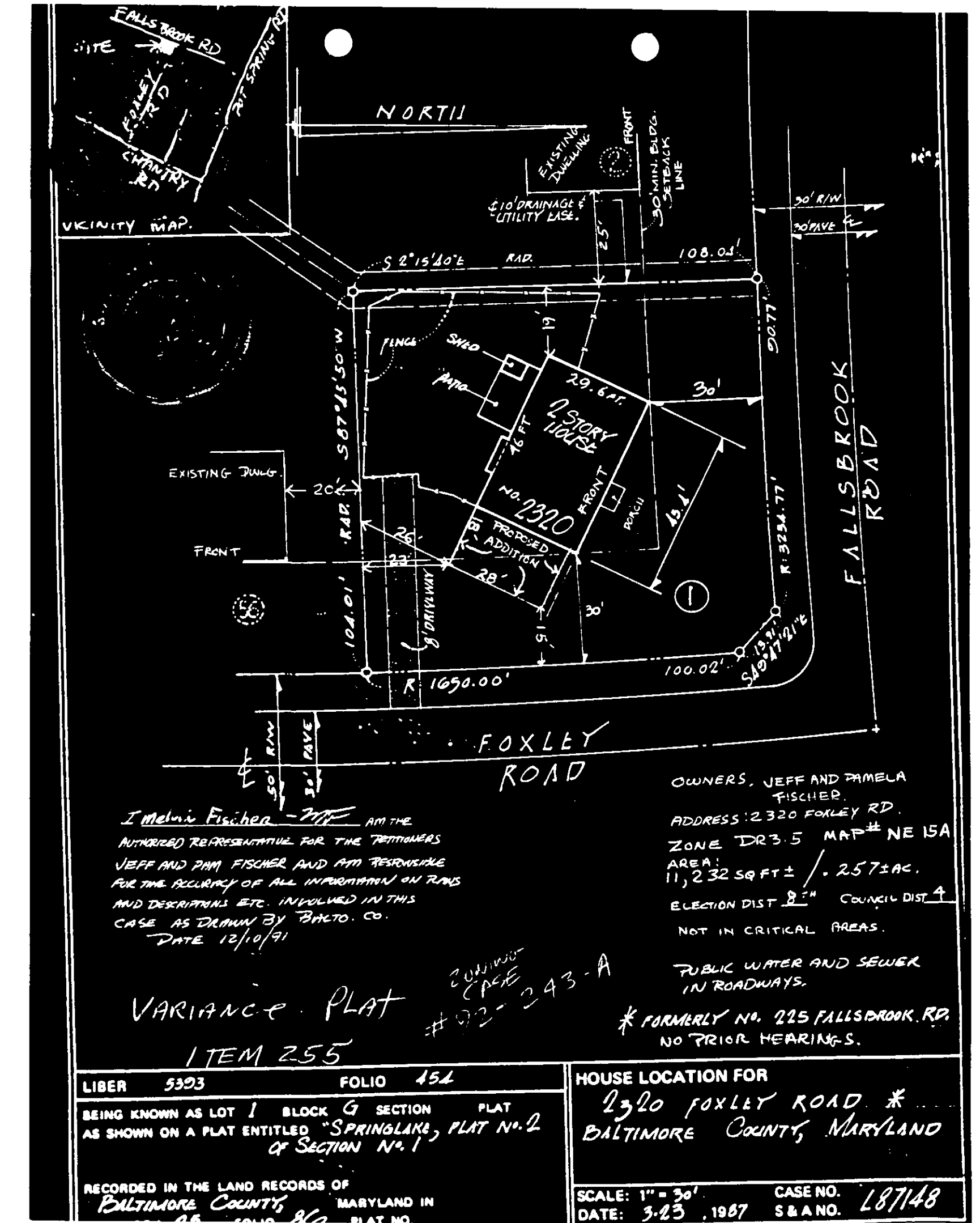
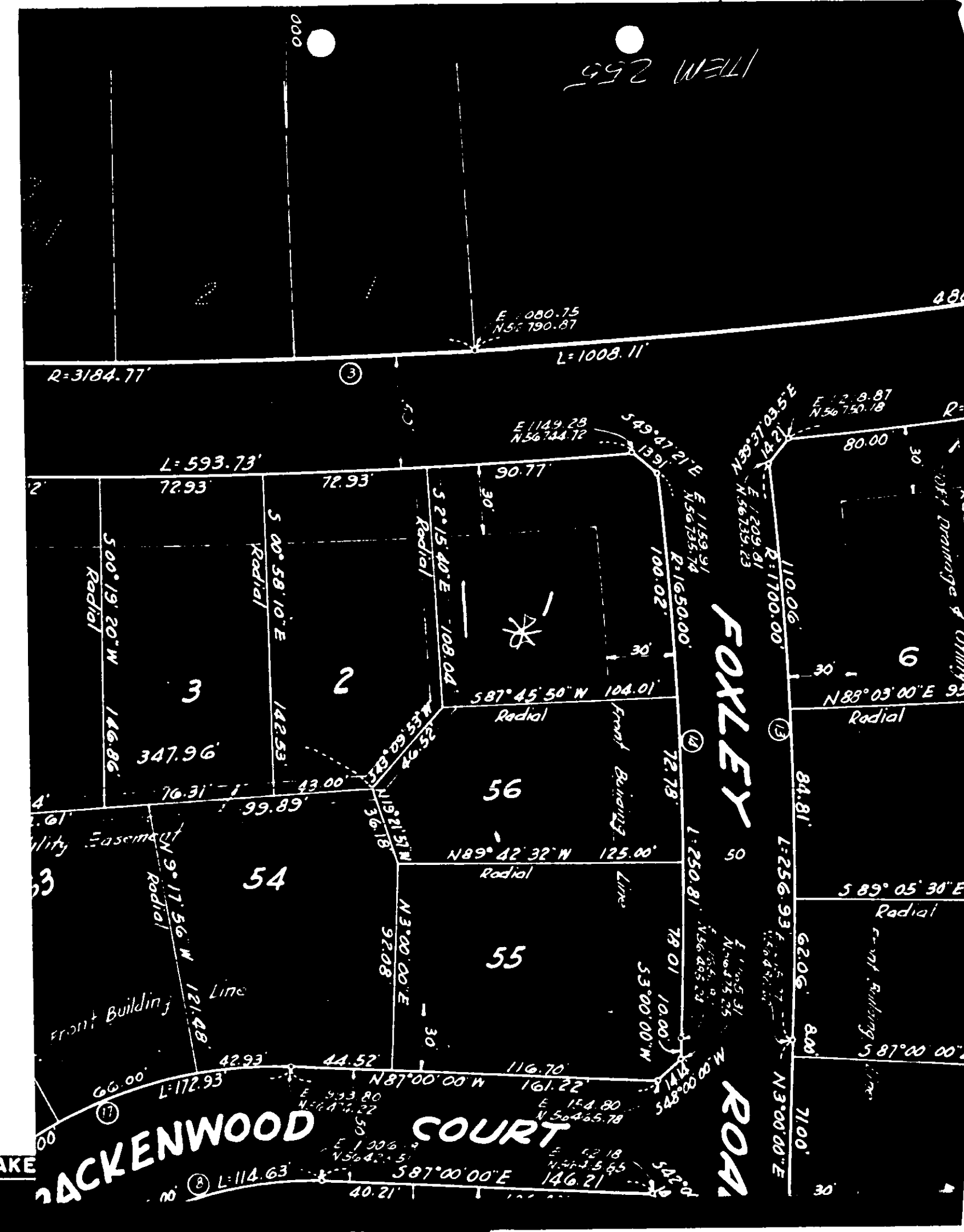
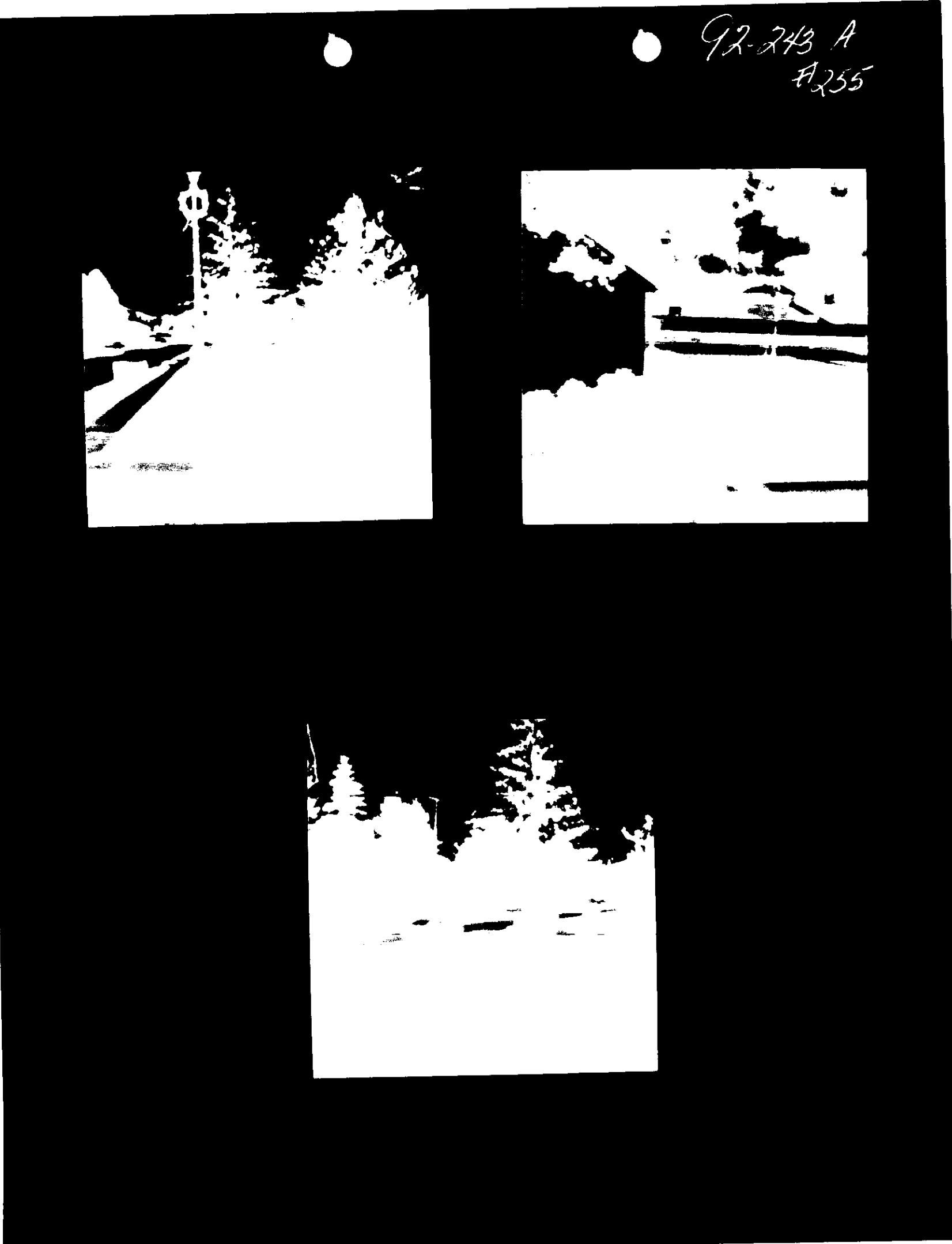
As per the directions of your administrative assistant, I have enclosed a copy of a letter that was sent to Mr. Arnold Jablon. In that letter I have asked for a more speedy review of my request for a setback variance. In reference to this request, I am asking that you review my case and do what ever possible to assist me in seeking relief from a process that very well could cause considerable hardship if it runs the full 4 to 6 weeks.

I am hopeful that, with your help, Mr. Jablon will find the necessary flexibility in the zoning procedures to allow me to put a number of contractors to work during these very depressed economic times.

Sincerely,

Jeffrey A. Fischer
Jeffrey A. Fischer
2320 Foxley Rd.
Towson, Maryland
21093

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204
HISTORIC DISTRICT/BLDG.
PROPERTY ADDRESS: 2320 Foxley Rd. YES ☐ NO ☒
SUBDIV: unsubdivided DO NOT KNOW ☐
TAX ACCOUNT #: 18-04-0065512 DISTRICT/PRECINCT: 4th
OWNER'S INFORMATION (LAST/FIRST)
NAME: Jeffrey Fischer
ADDR: 2320 Foxley Rd. Towson, MD 21204
APPLICANT INFORMATION
NAME: Melina Fischer
COMPANY: DI-PI Construction
ADDR: 3511 Field Circle
PHONE: 666-2219 MHC LICENSE #: 39803
APPLICANT SIGNATURE: [Signature] TRACT: EL BLOCK: PL
PLANS: CONST ☒ PLOT ☐ PLAT ☐ DATA ☐
TENANT: DI-PI Construction & Management Co Inc
ENGR: SELLER
DESCRIBE PROPOSED WORK:
Construct 18' x 28' x 14' 2nd story
upward add. on side of ex. 1st story
1st story, bathroom, laundry, study & den
add. to create driveway to rear
add. to create driveway to rear
RESIDENTIAL
01. ONE FAMILY ☒
02. TWO FAMILY ☐
03. THREE AND FOUR FAMILY ☐
04. FIVE OR MORE FAMILY ☐
05. (ENTER NO. UNITS) ☐
06. SWIMMING POOL ☐
07. OTHER ☐
TYPE OF IMPROVEMENT
1. NEW BLDG CONST ☐
2. ADDITION ☒
3. ALTERATION ☐
4. REPAIR ☐
5. WRECKING ☐
6. MOVING ☐
7. OTHER ☐
TYPE OF FOUNDATION
1. SLAB ☐
2. BLOCK ☐
3. CONCRETE ☒
TYPE OF CONSTRUCTION
1. MASONRY ☐
2. WOOD FRAME ☒
3. STRUCTURE STEEL ☐
4. REINF. CONCRETE ☐
CENTRAL AIR: 1. ☐ 2. ☐
ESTIMATED COST: \$ 10,000
PROPOSED USE: add. 1st story
EXISTING USE: add. 1st story
OWNERSHIP
1. PRIVATELY OWNED ☒ 2. PUBLICLY OWNED ☐ 3. SALE ☐ 4. RENTAL ☐
RESIDENTIAL CATEGORY: 1. DETACHED ☒ 2. SEMI-DET. ☐ 3. GROUP ☐ 4. TOWNHOUSE ☐ 5. MIDRISE ☐ 6. HIGHRISE ☐
REAR: 1. DETACHED ☒ 2. SEMI-DET. ☐ 3. GROUP ☐ 4. TOWNHOUSE ☐ 5. MIDRISE ☐ 6. HIGHRISE ☐
GARAGE DISPOSAL: 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10. ☐ 11. ☐ 12. ☐ 13. ☐ 14. ☐ 15. ☐ 16. ☐ 17. ☐ 18. ☐ 19. ☐ 20. ☐ 21. ☐ 22. ☐ 23. ☐ 24. ☐ 25. ☐ 26. ☐ 27. ☐ 28. ☐ 29. ☐ 30. ☐ 31. ☐ 32. ☐ 33. ☐ 34. ☐ 35. ☐ 36. ☐ 37. ☐ 38. ☐ 39. ☐ 40. ☐ 41. ☐ 42. ☐ 43. ☐ 44. ☐ 45. ☐ 46. ☐ 47. ☐ 48. ☐ 49. ☐ 50. ☐ 51. ☐ 52. ☐ 53. ☐ 54. ☐ 55. ☐ 56. ☐ 57. ☐ 58. ☐ 59. ☐ 60. ☐ 61. ☐ 62. ☐ 63. ☐ 64. ☐ 65. ☐ 66. ☐ 67. ☐ 68. ☐ 69. ☐ 70. ☐ 71. ☐ 72. ☐ 73. ☐ 74. ☐ 75. ☐ 76. ☐ 77. ☐ 78. ☐ 79. ☐ 80. ☐ 81. ☐ 82. ☐ 83. ☐ 84. ☐ 85. ☐ 86. ☐ 87. ☐ 88. ☐ 89. ☐ 90. ☐ 91. ☐ 92. ☐ 93. ☐ 94. ☐ 95. ☐ 96. ☐ 97. ☐ 98. ☐ 99. ☐ 100. ☐ 101. ☐ 102. ☐ 103. ☐ 104. ☐ 105. ☐ 106. ☐ 107. ☐ 108. ☐ 109. ☐ 110. ☐ 111. ☐ 112. ☐ 113. ☐ 114. ☐ 115. ☐ 116. ☐ 117. ☐ 118. ☐ 119. ☐ 120. ☐ 121. ☐ 122. ☐ 123. ☐ 124. ☐ 125. ☐ 126. ☐ 127. ☐ 128. ☐ 129. ☐ 130. ☐ 131. ☐ 132. ☐ 133. ☐ 134. ☐ 135. ☐ 136. ☐ 137. ☐ 138. ☐ 139. ☐ 140. ☐ 141. ☐ 142. ☐ 143. ☐ 144. ☐ 145. ☐ 146. ☐ 147. ☐ 148. ☐ 149. ☐ 150. ☐ 151. ☐ 152. ☐ 153. ☐ 154. ☐ 155. ☐ 156. ☐ 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BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

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MARTINSBURG, W.V. 25401

SCALE 1" = 200' ±	LOCATION LOCH RAMEN DAM AREA	SHEET NE 15-A
DATE OF PHOTOGRAPHY JANUARY 1986		